

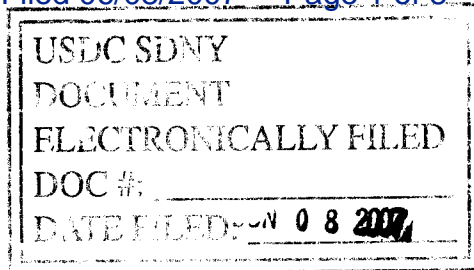
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DAVID GRYSZTAIN,

Defendant.



INFORMATION

S1 07 Cr. 480 (DC)

COUNT ONE

The United States Attorney charges:

1. From at least in or about 1999, up to and including in or about February 2006, in the Southern District of New York and elsewhere, DAVID GRYSZTAIN, the defendant, together with others known and unknown, unlawfully, wilfully, and knowingly, combined, conspired, confederated, and agreed together and with each other to violate the laws of the United States, to wit, to violate Sections 1546(a) and 1001 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that DAVID GRYSZTAIN, the defendant, together with others known and unknown, unlawfully, wilfully, and knowingly, did make under oath, and as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribed as true, a false statement with respect to a material fact in an application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and

knowingly presented such application, affidavit, and other document which contained such false statement and which failed to contain any reasonable basis in law and fact, in violation of Title 18, United States Code, Section 1546(a).

3. It was a further part and an object of the conspiracy that DAVID GRYSZTAIN, the defendant, together with others known and unknown, in a matter within the jurisdiction of the Executive Branch of the Government of the United States, unlawfully, wilfully, and knowingly, would and did falsify, conceal, and cover up by trick, scheme and device a material fact, and would and did make a materially false, fictitious and fraudulent statement and representation, and would and did make and use a false writing and document knowing the same to contain a materially false, fictitious, and fraudulent statement and entry, in violation of Title 18, United States Code, Section 1001.

OVERT ACT

4. In furtherance of the conspiracy, and to effect the illegal objects thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

- a. On or about August 28, 2005, while at the offices of the Law Firm, DAVID GRYSZTAIN, the defendant, conveyed information to an individual ("I-1") associated with a Manhattan-based law firm ("Law Firm") with the understanding that, based on this information, I-1 would prepare and caused to be

filed with the United States Department of Labor an Application for Permanent Employment Certification ("Application") that contained false representations.

GRYNSZTAIN'S ROLE IN THE CONSPIRACY

5. From at least in or about 1999, up to and including in or about February 2006, in the Southern District of New York and elsewhere, DAVID GRYNSZTAIN, the defendant, then an employee at the Law Firm, participated in the preparation of numerous applications by non-United States citizens residing in the United States ("Aliens") to obtain a change in their immigration status ("Alien Applications"), with the understanding that the Alien Applications would be conveyed to Executive Branch officials responsible for participating in the process by which Alien Applications are reviewed and evaluated ("Federal Officials"). More than 100 of these Alien Applications were fraudulent. Among other things, GRYNSZTAIN directed Aliens to obtain letters that falsely described the Aliens' prior work experience, and to cause these fraudulent letters to be filed in support of their Alien Applications. In addition, and among other things, GRYNSZTAIN participated in the preparation of Alien Applications that indicated that a particular Alien had a bona fide job offer for a United States-based employer when, in truth and in fact, GRYNSZTAIN knew that such was not the case.

(Title 18, United States Code, Section 371.)

COUNT TWO

The United States Attorney further charges:

5. From at least in or about 1999, up to and including in or about February 2006, in the Southern District of New York and elsewhere, DAVID GRYNSTAIN, the defendant, unlawfully, wilfully, and knowingly, did make under oath, and as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribed as true, a false statement with respect to a material fact in an application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and knowingly presented such application, affidavit, and other document which contained such false statement and which failed to contain any reasonable basis in law and fact.

(Title 18, United States Code, Sections 1546(a) and 2.)

COUNT THREE

The United States Attorney further charges:

6. From at least in or about 2005, up to and including in or about February 2006, in the Southern District of New York and elsewhere, DAVID GRYNSTAIN, the defendant, together with others known and unknown, unlawfully, wilfully, and knowingly, combined, conspired, confederated, and agreed together and with each other to violate the laws of the United States, to

wit, to violate Section 201(b)(1) of Title 18, United States Code.

7. It was a part and an object of the conspiracy that DAVID GRYNSTAIN, the defendant, together with others known and unknown, unlawfully, wilfully and knowingly, would and did directly and indirectly, corruptly give, offer and promise a thing of value to a public official, and would and did offer and promise a public official to give a thing of value to another person and entity, with intent to influence an official act, and to influence such public official to commit and aid in committing, and collude in, and allow, a fraud, and make opportunity for the commission of a fraud, on the United States, and to induce such public official to do and omit to do an act in violation of the lawful duty of such official, in violation of Title 18, United States Code, Section 201(b)(1).

OVERT ACT

8. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

- A. During December of 2005 and January of 2006, GRYNSTAIN directed Aliens filing Alien Applications to make payments to a Law Firm employee ("Law Firm Employee #1"), with the understanding that Law Firm Employee #1 would then provide items of value, including money, to a Federal Official – to induce the Federal Official to alter or cause to be altered United States

Government records ("Records") in a manner that would increase the likelihood that a particular Alien Application would be approved, and an Alien's immigration status adjusted.

(Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATION


9. As a result of committing one or more of the offenses alleged in Counts One, Two, and Three of this Information, DAVID GRYNSTAIN, the defendant, shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, any and all property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offenses, and all property traceable to such property.

SUBSTITUTE ASSETS PROVISION

10. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C.
§ 853(p), to seek forfeiture of any other property of said
defendant up to the value of the above forfeitable property.


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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Title 18, United States Code, Section
371, 1546(a), 2.

MICHAEL J. GARCIA
United States Attorney.
